# IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

Criminal

Case No. 22/1598 SC/CRML

(Criminal Jurisdiction)

#### **PUBLIC PROSECUTOR**

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## O'NEIL MOLI

Date:

17 August 2022

Before:

Justice V.M. Trief

Counsel:

Public Prosecutor - Ms L. Lunabek

Defendant - Mr L. Moli

#### **SENTENCE**

#### A. Introduction

1. Mr Moli pleaded guilty to theft (Charges 1, 4 and 6), attempted theft (Charge 2), unlawfully entering a dwelling house (Charges 3 and 5) and escape from lawful custody (Charge 7). He is convicted on his own pleas and the admitted facts.

### B. Facts

- 2. On 2 October 2021, Mr Moli went into a little shop close to Sophie Nakamal. He took the Samsung A30 mobile phone that was charging in there. The shopkeeper Chikana Mera asked Mr Moli if he took her phone. Mr Moli denied it and ran out (Charge 1). Ms Mera chased after him and was met by Vincent Lui who had hold of Mr Moli.
- 3. Mr Lui had caught Mr Moli in the act of removing VT1,000, 2 flash drives and Vodafone refill cards worth VT40,000 from Mr Lui's vehicle registration number 20007 (Charge 2). They called the Police who came and took Mr Moli to the Police station.
- 4. On 4 October 2021, at night, Mr Moli entered Philippe Guyard's house at Seaside Showground area and took one iPad (Charges 3 and 4).
- 5. On 17 October 2021, Mr Moli removed 2 louvers from a window of the office of Pikinini Playtime School at Nambatu area and entered the office (Charge 5). He took an Alcatel phone, an Island Bag, a white WiFi device and VT7,000 from the cash box (Charge 6).



- 6. On 28 June 2022, the Police arrested Mr Moli under a warrant of arrest issued by the Magistrates' Court. He was escorted to the Police station but then ran away (Charge 7). The Police caught him and brought him back to the Police station.
- C. Sentence Start Point
- 7. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
- 8. The maximum sentences prescribed in the Penal Code [CAP. 135] are:
  - a. Theft (s. 125(a)) 12 years imprisonment;
  - b. Unlawful entry (subs. 143) 10 years imprisonment; and
  - c. Escape (s. 84) 5 years imprisonment.
- 9. There are no mitigating factors however the offending is aggravated by:
  - Some of the offending occurred at night time;
  - There was some planning involved;
  - The repeat nature of the offending over such a short time span; and
  - The loss suffered with no prospect of reparation or return of the remaining stolen property.
- 10. The factors set out above require a global sentence start point of 3 years imprisonment.
- D. Mitigation
- 11. Mr Moli pleaded guilty at the first opportunity. Given the strength of the Prosecution case, he had little option but to plead guilty. For these factors, I deduct 25% from the sentence start point.
- 12. Mr Moli is 18 years old. He resides with his parents at the VMF Camp.
- 13. He has no previous convictions.
- 14. I further reduce the sentence by 10 months for Mr Moli's personal factors including his youth and immaturity.
- E. End Sentence
- 15. Taking all matters into account, the end sentences imposed concurrently are:

a. Theft (Charges 1, 4 and 6)

17 months imprisonment;

b. Attempted theft (Charge 2)

17 months imprisonment:



c. Unlawful entry (Charges 3 and 5)

14 months imprisonment; and

d. Escape from lawful custody (Charge 7)

12 months imprisonment.

- 16. The sentences are back-dated to commence from 28 June 2022 when Mr Moli was remanded in custody.
- 17. A strong deterrent element is required and to hold Mr Moli accountable for his offending.

18. Mr Moli has 14 days to appeal.

DATED at Port Vila this 17th day of August 2022

BY THE COURT

Justice Viran Molisa Trief